

## REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 1 is currently being amended. No new matter is being added.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-16 are now pending in this application.

### Double Patenting - Løset

Claims 1-16 are rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 7,114,885 (hereinafter “Løset”). Applicants respectfully traverse this rejection for at least the following reasons.

Independent claim 1, as amended, recites: “protection means for protecting the riser from impact when the riser is connected to the vessel, the protection means being submerged and covering at least an upper part of the riser when the riser is submerged and connected to the vessel below the vessel during operations and when in the non-operative position where the riser is retracted to its retracted position, and terminating above the sea bed when the flexible riser is connected to the vessel, the protecting means being formed of a plurality of separate units suspended from each other, the protecting means further being provided with a stretching means or a tensioning means attached to a lower end of the protection means and terminating above the sea bed when the flexible riser is connected to the vessel.” Løset fails to disclose at least this combination of features of claim 1.

Løset discloses a riser 18, riser protection means 20 and a riser socket 22. In contrast to claim 1, however, Løset does not disclose a protection means terminated above the sea bed when the flexible riser is connected to the vessel below the vessel during operations, and

where a stretching means or a tensioning means is attached to the lower end of the protecting means and also terminated above the sea bed. Assuming arguendo that the riser socket 22 of Løset could be considered to be a stretching means, Løset does not disclose a system configured such that when the riser 18 is connected to the vessel below the vessel during operations the riser protection means 20 and riser socket 22 are terminated above the sea bed.

Moreover, it would not have been obvious to have modified the structure of the Løset system to arrive at that as claimed. The present invention, as claimed in claim 1, provides a deep water flexible riser system (See paragraphs 0020, 0038 and 0041 of the present specification), and thus both the protection mean and tensioning means are terminated above the sea bed when the flexible riser is connected to the vessel below the vessel during operations. By contrast, the Løset system has structure for use in shallow waters, and one skilled in the art would thus not modify the Løset system to have the structure as recited in claim 1.

#### 35 U.S.C. § 102(e) Rejections - Løset & Wipo '895

Claims 1-16 are rejected under 35 U.S.C. § 102(e) as being anticipated by Løset or WO 2004/028895 (hereinafter "Wipo '895"). As discussed above, Løset does not disclose a protection means terminated above the sea bed when the flexible riser is connected to the vessel below the vessel during operations, and where a stretching means or a tensioning means is attached to the lower end of the protection means and also terminated above the sea bed, and thus fails to anticipate or render obvious independent claim 1. Analogous arguments apply to Wipo'895, which is the WIPO version of Løset.

#### 35 U.S.C. § 102 Rejection –Butler

Claims 1, 2, 4, 6-9 and 11-16 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,169,265 ("Butler"). Butler also fails to disclose the features of claim 1 of a protection means terminated above the sea bed when the flexible riser is connected to the vessel below the vessel during operations, and where a stretching means or a

tensioning means is attached to the lower end of the protection means and also terminated above the sea bed.

Butler merely relates to a passive fire protection system, where the system structure is arranged above sea level (See col. 1, lines 58-61; col. 2, lines 16-34). Thus, Butler does not disclose a protection means terminated above the sea bed when the flexible riser is connected to the vessel below the vessel during operations, and where a stretching means or a tensioning means is attached to the lower end of the protection means and also terminated above the sea bed. Moreover, one skilled in the art would not have modified the Butler system to arrange it below the vessel during operation. One skilled in the art would realize that such fire protection need not be arranged below sea level and below the vessel. Accordingly, it is respectfully submitted that the present invention of claim 1 is neither anticipated, nor rendered obvious, by Butler.

With respect to the arrangement of the fire protection system of Butler below sea level, the Patent Office states on page 5 of the Office Action: “in the case of a storm, hurricane etc, as water level rises the protection means of Butler would be submerged.” Applicants note, however, that claim 1 requires that for the structure of claim 1, the protection means is terminated above the sea bed when the flexible riser is connected to the vessel below the vessel during operations. Even during a storm or hurricane, Butler, by contrast, does not suggest that its fire protection system should be arranged below the vessel.

### 35 U.S.C. § 103 Rejections

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Butler in view of U.S. Patent No. 4,031,919 (hereinafter “Ortloff”). Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Butler in view of U.S. Patent No. 4,782,781 (hereinafter “Poldervaart”). Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Butler in view of U.S. Patent No. 2,419,053 (“Bennett”).

The applied references of Ortloff, Poldervaart and Bennett were cited for disclosing other features of the dependent claims, but fail to cure the deficiencies of Butler.

Moreover, one skilled in the art would not have combined the system of Butler with Ortloff in the manner suggested in the Office Action. As discussed above, the Butler system is a passive fire protection system, where the system structure is arranged above sea level. One skilled in the art would not have arranged the Butler system below sea level to be submerged, because there would be no need for such a fire protection in a submerged arrangement.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted, .

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